From:	Szerlog, Michael
Sent time:	01/28/2014 12:07:11 PM
To:	Allnutt, David; Soderlund, Dianne
Cc:	Reichgott, Christine
Subject:	Dennis briefing paper - review this version
Attachments:	Draft RA External Briefing Sheet for Meeting with Col Lestochi version 1282014.docx

Please provide your comments to me.

Thanks

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(Revised Draft – 1/28/2014) REGIONAL ADMINISTRATOR'S BRIEFING

This document is used to brief Dennis on meetings with External Stakeholders. Please be sure to include any key messages that you feel Dennis should share with attendees

Event: Meet & Greet with Colonel Lestochi, Alaska District**, Tuesday, February 4th**
Duration: 9:30 AM – 10:30 AM (AKDT)
Location: Alaska Operations Office
Press (Open/Closed): Closed

OVERVIEW: Colonel Christopher D. Lestochi assumed command of the U.S. Army Corps of Engineers, Alaska District, on July 2, 2012. Col. Lestochi comes to the Alaska District from the Army War College in Carlisle, Pa. He served as Deputy Chief of the Construction Division for the Alaska District from 1998 to 2001. Col. Lestochi was commissioned in the U. S. Army Corps of Engineers in 1989 from Pennsylvania State University. He holds a Bachelor of Science in Architectural Engineering and Master of Science in Civil Engineering from Penn State, as well as Master of Strategic Studies from the U.S. Army War College.

Attendees: Dianne Soderlund, EPA AOO Director; David Allnutt, EPA ETPA Director; Michael Szerlog, EPA Manager (by phone); Major Mark DeRochhi; Karen Kochenbach, Corps, Chief of the Regulatory Division; Terri Stinnett-Herczeg, Corps, Deputy Chief.

Key Messages:

1. EPA values its relationship with the Alaska District and has worked hard over the years to build and improve our interactions. Over the past year we have been communicating often on CWA §404 projects. In addition, the co-location of the Corps and EPA staff in Juneau and the placement of Department of Army interns at EPA under detail are a great example of the strength of our relationship.
2. There are large projects in Alaska that require frequent communication and coordination. EPA's CWA §404 staff routinely serve as associate reviewers under NEPA and strive to understand, from a CWA §404 perspective, the issues early on for these large projects. Early involvement and continued communication is essential in managing these projects, which are extremely sensitive and can become politicized.
3. Addressing issues involving Compensatory Mitigation is one of the top priorities for both Region 10 and the Alaska District Regulatory staff and management in FY14. We have made great strides with the development and implementation of the SIRT, but there is still much work to be done. The joint training offered in May and the possibility of using Conflict Prevention and Resolution Center money to communicate about mitigation needs for the authorization of the Placer Mining General Permit are examples of this continued commitment.

Key Issues/Projects:

Compensatory Mitigation improvements a FY14 focus by EPA and Corps: Both agencies have been working closely together this past year to improve the state of compensatory mitigation in Alaska. Below are some examples:

1. **Statewide Interagency Review Team implementation** The Alaska District convened a Statewide Interagency Review Team (SIRT) in the fall of 2013. The SIRT is chaired by the District and includes EPA, FWS, NMFS, NRCS, ADNR, ADEC, and ADF&G. The formal *"Roles and Responsibilities Agreement"* was signed by all of the agencies. The purpose of the SIRT is to foster training and develop tools for implementation of the 2008 Final Mitigation Rule so as to achieve greater consistency in the development of compensatory mitigation banks and in-lieu fee (ILF) programs in Alaska.

   It is hoped that the development of District-wide tools, templates, and procedures by the SIRT will lead not only to greater consistency, but also to better environmental outcomes and greater predictability for the regulated community. The Regulatory Guidance Letter (RGL) 09-01 is the District's only guidance document pertaining to compensatory mitigation. The regulated community has expressed concerns about inconsistent compensatory mitigation requirements. Having a consistent mitigation framework would provide greater clarity to applicants and likely shorten permit process times.

   Additionally, the SIRT could develop frameworks for functional assessment and for determining debits and credits for compensatory mitigation. We have explored a number of possibilities to support the development of a functional assessment tool, perhaps beginning with a pilot project on the North Slope.

   Status: The SIRT has held 3 meetings since being convened in the fall of 2013. Managers from the State and Federal agencies will meet February 5, 2014 to receive a status report on SIRT progress thus far.

2. **Corps/EPA sponsored compensatory mitigation training:** The SIRT agencies identified training for staff that participates on IRTs as a high priority. To address this need, the SIRT will bring an IRT training course to Anchorage the week of May 12, 2014. The course will be patterned after the national course held annually at the National Conservation Training Center (NCTC) in Shepherdstown, West Virginia. The principle trainers will be Steve Martin from the Corps' Institute for water Resources (IWR) and Palmer Hough of EPA's Office of Water.

3. **Need for functional assessment methodology and interim approach** Inconsistencies in how the impacts of proposed projects are evaluated and how compensatory mitigation ratios are determined adds controversy to the review of large projects in Alaska. The Corps and applicants are greatly hampered by the lack of peer reviewed or even consensus-based tools for performing functional

assessments. RGL 09-01allows assessment based on Best Professional Judgment (BPJ). Currently, if functional assessments are performed (which is not universally true) consultants develop them with little or no interaction with agency experts. As such, these efforts are expensive to perform and often have very questionable validity for the appropriate assessment of function, condition, and services performed by given wetland systems.

EPA believes that tools need to be developed to provide for a consistent basis for functional assessments in Alaska. Some tools are available in different regions, but nothing is available for the North Slope, where many of the 404 actions with the most significant impacts are proposed to be placed in pristine, fully intact permafrost wetlands. Toward this end, we suggest that the SIRT or other interagency group work to develop a consensus based (and hopefully, peer-reviewed) portfolio of tools for use in Alaska for rapidly calculating comparative levels of wetland functions/services and/or the evaluation of wetland condition.

EPA proposes that the agencies begin with a pilot effort on the North Slope. The 2011 National Wetland Condition Assessment collected data from approximately 40 randomly selected sites of non impacted, and an additional group of targeted degraded wetland sites within the NPR-A. We have also applied for GRO (Greater Research Opportunity) funding for a fellowship to fund a student to perform a literature search and compilation of literature on the functions and services of Arctic tundra wetlands. EPA believes that if the Corps is willing, and the agencies can commit to the effort, a functional assessment technique which incorporates identified functions in a meaningful model which is based on Arctic wetlands as reference. The data sets can be used to test and validate the models developed. The development of such techniques would provide greater certainty to the applicants in the permit process, and would provide a consistent, more scientific standard for evaluating appropriate mitigation.

4. **Possible Conflict Prevention and Resolution Center funding** to discuss compensatory mitigation options for the reauthorization of the Placer Mining Regional General Permit. EPA is submitting a request to CPRC to use some left over FY13 funds to bring professional facilitators to work with Corps, EPA, BLM, State, and other agency staff in the discussion of ways to integrate compensatory mitigation into the Placer Mining RGP. The State of Alaska has expressed an interest, as part of their review of CWA 404 Assumption, to help administer this RGP. Ensuring that it meets the intent of the 2008 compensatory mitigation rule should be a high priority.

Outstanding CWA §404(q) Actions

1. **Douglas Harbor Dredging Project**: The applicant, the City and Borough of Juneau (CBJ), for the project located in the Douglas Small Boat Harbor in Juneau, Alaska, stated in the public notice that "[t]he applicant's stated purpose is to renovate the existing Douglas Harbor in order to meet changing moorage demand

in Juneau." CBJ's proposal includes dredging approximately 30,000 cubic yards of material from the Harbor. The proposed dredged material disposal site is in Gastineau Channel, and the proposed dredged material disposal method is unconfined open water disposal via barge.

Impacts: The environmental concerns raised by EPA relate to elevated methyl mercury concentrations found in the sediments at the proposed dredge site. EPA is concerned about potential bioaccumulation of methyl mercury in the benthic environment of Gastineau Channel.

Status: The Civil Works side of the Corps awarded a contract to private consulting firm do develop a cap design and analysis on behalf of the City and Borough of Juneau. The Corps Regulatory met in November with EPA, Corps Civil Works and their contractor to go over scope and details of the plan to address EPA's concerns. EPA is waiting for CBJ to revise its permit application so that we can determine whether to end the 404(q) dispute resolution process.

2. **Nuiqsut Spur Road Project:** The applicant, Kuukpik Corporation, is an Alaska Native Village Corporation, which proposes to build a 5.8 mile road and gravel storage pad from the Village of Nuiqsut to the junction of the CD-5 road which was permitted by the Corps following a controversial permit review. The storage pad is proposed to house an exploration camp, which would be run by Kuukpik, as well as provide gravel and equipment storage. The applicant proposes to preserve 76.5 acres as compensation for the impacts of the fill.

   Impacts: The proposed project would result in the discharge of 51 acres of fill for the road and storage pad. The fill would occur in a pristine area of the tundra, just outside the Colville River Delta (part would occur in a riverine complex that drains to the Colville River). The approximately 11-acre storage pad is proposed to be adjacent to the soon-to-be-built CD-5 road. The applicant has addressed some of our initial concerns but the mitigation for the direct losses, which is proposed to be preservation of 76.5 acres of tidal/coastal wetlands on Fish Creek, approximately 14 miles from the project site, is insufficient to offset the impacts. There is also no mitigation proposed for the indirect effects of the fill, which include fragmentation and degradation of wetlands surrounding the road from dust spray and dust shadow. The CD-5 permit, which is adjacent to where this road joins the CD-5 road, required a 3:1 preservation ratio for the same kinds of wetlands/condition of wetlands that this project proposes to impact, and 10% of the agreed-upon ratio to be applied to the footprint of the dust shadow. Applying the same method of calculating credits required to offset direct and indirect impacts that was applied in the CD-5 permit decision would amount to approximately 245 acres of preservation required for the Nuiqsut spur road project.

Status: We were recently sent a copy of a revised boundary for the conservation easement by the Corps. The size of the proposed easement has not changed, although the differences in the boundaries proposed are more ecologically appropriate. The Corps has stated that they are close to making a decision, but we have not been informed of their position on compensatory mitigation.

Large-Scale NEPA/404 Projects

1. **Deep Draft Port Feasibility Study/EIS**-Proposal by Corps Water Resources for a deep draft port and/or at Nome and/or Port Spencer on the Seward Peninsula to support emergency response and economic development. Project involves 309, 404, Ocean Dumping and emergency response. EPA has forwarded a draft Cooperating Agency MOU to the Corps for their review. We expect that it will be signed within the next week or so. In the interim we are working closely with the Corps, meeting biweekly or more often if needed. Currently the Corps anticipates publishing the Notice of Availability for the Draft EIS in early March. The Corps has committed to providing us early review of the document when it is submitted to the editor. The Corps has provided the economic analysis and hydraulic engineering report to EPA for review and input. EPA's anticipated MPRSA action is de-designation of current disposal sites (Nome East and West). Corps can do temporary designation under their 103 authority for a period of 5 years, with a 5 year extension if need for disposal is identified (not anticipated by the Corps). Ocean Dumping program has determined that this action does not merit voluntary NEPA compliance. Primary 309 concern is that although an extensive process has been followed to identify these two alternatives, will the final alternatives represent the required reasonable range of alternatives for a NEPA analysis. Study/EIS is also on a "fast track" under the Corps' "SMART Planning" process.

2. **BLM Greater Mooses Tooth-1** Supplemental EIS and Conoco Phillips Alaska 404 permit application-This proposal, (formerly known as CD-6), is for the first development project within the National Petroleum Reserve-Alaska. Conoco Phillips is proposing a 7.8 mile road from CD-5 to the GMT-1 drill site, a single 11.8 acre pad for 8 to 33 wells, 8.4 miles of elevated pipelines, two bridge crossings of streams, and associated support infrastructure. The project was previously analyzed under the BLM Alpine Satellites EIS in 2004. Since then, Conoco Phillips has further reduced the footprint and repositioned the pad, resulting in less fill. Draft Supplemental EIS and 404 Public Notice are expected in early February.

3. **Juneau Access Transportation Improvements Project:** Project is to improve surface transportation between Juneau, Haines and Skagway (increase traffic volume & frequency, decrease travel time). ADOT and FHWA have initiated a second supplemental EIS to update project alternatives (in response to court

decision requiring stand-alone alternative for improved Alaska Marine Highway System assets) and cost estimates; further evaluate project impacts and mitigation measures; and identify Alternative 2B (East Lynn Canal Hwy to Katzehin with shuttles to Haines and Skagway) as its preferred alternative. EPA and the Corps are cooperating agencies and recently received the PDSEIS for a 30-day review. ADOT has applied for a new permit (Corps determined previously approved permit was no longer valid) for Alternative 2B. DSEIS is expected this spring. Current concerns include compliance with the 2008 Final Compensatory Mitigation Rule as well as inadequate analysis of impacts in original EIS and first supplemental EIS, particularly for impacts to Berner's Bay. EPA rated both original Draft EIS and first Draft SEIS EO-2, although Final SEIS did address most of our concerns. We also sent 3(a), 3(b), and 3(d) letters to the Corps on the Public Notice issued with the Supplemental EIS.

Project History: In 1997- DEIS. EPA rates DEIS as "EO-2" based on aquatic impacts and poor analysis; in 2005- SDEIS. EPA rates SDEIS as "EO-2" for similar reasons; in 2006- FEIS & ROD. FHWA decides to build Alternative 2B. Corps issues 404 public notice. **EPA sends Corps 3(a) & 3(b) letters.** 2 interagency meetings held to discuss EPA's comments; and in 2007, 2008- Corps works with ADOT, FHWA & EPA to address EPA's comments and **EPA sends Corps 3(d) letter**.

Impacts: Previously the proposal was for several hundred acres of aquatic resources including direct impacts within the Tongass National Forest and secondary impacts near Berners Bay and the Katzehin River Delta. The current information lists 61 acres of wetlands and 32 acres inter- and subtidal, and 5.7 acres in Berners Bay "sub-region".

Status: PDSEIS for Cooperating Agency review expected January 2014 with a DSEIS expected February 2014.

4. **The Susitna-Watana Hydroelectric Project** would involve construction of a dam on the Susitna River at river mile 184, approximately halfway between Anchorage and Fairbanks. The 735-foot high dam would be the second tallest in the U.S. and would create a reservoir 42 miles long and up to 2 miles wide. Installed capacity would be 600 MW, with the average annual generation projected to be 2800 GW-hrs. Load-following operation (i.e., releasing water from the reservoir synchronous with electricity demand) is proposed. The project proponent, Alaska Energy Authority (AEA), has described the project as scalable up to an 880-foot high dam.

   Impacts: The proposed project would alter the physical, chemical, and biological characteristics of the Susitna River from the area of impoundment to the River's mouth at Cook Inlet. In order to generate electricity during the winter, the project would convert approximately 40 river miles of the main stem of the Susitna River and 15 miles of tributary

streams from riverine to reservoir environment. An estimated 10 miles of river would alternate between riverine and reservoir habitat. An estimated 20,000 acres of habitat would be flooded, and the reservoir would impede traditional migration routes of caribou and other wildlife. The storage of summer flows for release in the winter would alter the river's hydrology, as well as water temperature and chemistry. Peak summer discharges will be reduced and delayed by an average of two months, and winter flows would increase by four or five times. The daily flow fluctuations associated with load-following would contrast completely with the existing stable winter flows. Flow fluctuations would also alter ice processes on the river and impact use of the river corridor for navigation during both winter and summer. The reservoir would trap virtually all upstream sediment and wood, resulting in changes to the river's pattern, dimension, and profile downstream of the project. These physical changes will alter the aquatic and riparian habitats available for fish and wildlife. The dam will block sixty miles of Chinook habitat.

Status: FERC will be preparing an EIS for the project. EPA, the Corps and USDA Rural Utilities Service intend to be NEPA Cooperating Agencies. AEA is on the verge of submitting its Initial Study Report (ISR) summarizing the results of the studies conducted during 2013. AEA has requested a 120-day extension of time to submit the ISR; and FERC will issue a decision on the request prior to February 3.

The project was recently dealt a blow when Governor Parnell's proposed budget funded the project at 10%. The Governor is seen as the chief patron of the project. He explained that further funding for the project would be contingent on AEA securing access to land at the proposed dam site and within the reservoir inundation zone. The lands in question are owned by Alaska regional and village corporations.

4. **Chuitna Coal Mine:** PacRim's proposed surface coal mine is located on the west side of Cook Inlet near the Native Village of Tyonek (NVT) and the community of Beluga, approximately 45 miles west of Anchorage. The project would extract low sulfur sub-bituminous coal from the Beluga Coal Field for a minimum 25-year life of the mine, with a production rate of up to 12 million tons per year for export. It would be largest coal mine in Alaska's history.

Impacts: Project documents indicate that the mining operation would result in the direct loss of approximately 4,000 acres of wetlands, 200 acres of lakes and ponds, and nearly 100 linear miles of headwater stream channels, 11 miles of which are known to support anadromous fish. The proposed mine's dewatering effluent, which would not meet current water quality standards for several metals, could be discharged to the surface or to Cook Inlet.

Status: EPA had previously developed an EIS for development of this mine. The Corps is currently supplementing the EIS. The 404 PN will be issued concurrently with the draft Supplemental EIS (SEIS). The expected timeframe is late 2014. EPA has reviewed and commented on several preliminary draft sections of the SEIS, including the proposed action, alternatives, and the Corps' proposed approach for the cumulative impacts analysis. EPA has received responses to those comments, but has yet to receive updated drafts. EPA is currently reviewing the updated wetlands functional assessment report. The Corps continues to work with NVT, the State Historic Preservation Office, PacRim, and the Advisory Council on Historic Preservation to address potential impacts to cultural resources identified in the project area. The Corps is currently revisiting the Purpose and Need Statement for the SEIS, and continues to work with PacRim to identify alternatives to the proposed action for consideration in the SEIS. EPA has asked to be involved in those discussions. The Corps is working with the State Surface Coal Mining Program, PacRim, and the Alaska Mental Health Trust (land owner) to determine the post-mining land use for the project area. The selected post-mining land use will be a significant factor in determining mitigation and restoration options post-mining. EPA has asked to be involved in those discussions. EPA and the Native Village of Tyonek—IRA Council (NVT—IRA Council) entered into a Memorandum of Understanding (MOU) in late 2012 for the purpose of maintaining effective consultation and coordination between the EPA and the NVT—IRA Council regarding the proposed Chuitna Coal Project.

5. **Donlin Gold Mine Project:** The proposed Donlin Gold Mine is located on the Yukon-Kuskokwim Delta in southwest Alaska, approximately 120 miles upstream from Bethel. The large gold deposit is on lands owned by the Kuskokwim Village Corporation (surface) and Calista Regional Corporation (subsurface). The proposal is for a two square mile open pit mine. The waste rock would include naturally occurring mercury and arsenic. Besides the pit, the project would include a waste rock facility, tailing storage facility, overburden stockpiles, fuel storage tanks, power generation facility, water treatment facility, sewage treatment facility, utility corridors, operations camp, and various ancillary facilities, as well as a 5,000-foot gravel airstrip, a port site on the Kuskokwim River, and an all-season access road from the port site to the mine. A 313-mile long, 14-inch diameter buried pipeline would transport natural gas from Cook Inlet (Beluga) to supply the power generation facility.

Impacts: The total temporary and permanent surface impacts exceed16,000 acres, of which approximately 42% (nearly 7,000 acres) are wetlands. The project would also directly impact approximately 75 linear miles of streams.

Status: On October 19, 2012, Region 10 agreed to be a cooperating agency on the development of the EIS. Preliminary Draft EIS Chapter 2 (Alternatives) was released to the Cooperating Agencies on December 7 for a 30-day internal review. Cooperating Agency comments are due January 10, 2014.

EPA's Bristol Bay Watershed Assessment: The objective of the assessment is to use the best available science to assess the potential impacts of large scale mining on the Kvichak and Nushagak River drainages.

Background: Nine Bristol Bay Tribes, other tribal organizations and many groups and individuals, who were concerned about the proposed Pebble Mine, asked EPA to use our authority under Section 404(c)* of the Clean Water Act (CWA). Two Bristol Bay Tribes, other tribal organizations, the Governor, and a few others including Pebble Limited Partnership asked us to let the standard NEPA/CWA §404 review process proceed. After carefully considering all of the requests, EPA decided to conduct a watershed assessment to provide a scientific basis for any future decisions. (**Section 404(c) authorizes EPA to restrict, prohibit, deny, or withdraw the use of an area as a disposal site for dredged or fill material if the discharge will have unacceptable adverse effects on municipal water supplies, shellfish beds and fishery areas, wildlife, or recreational areas*). The Final Assessment was released on January 15, 2014.

Preliminary Results/Peer Review:

- The assessment concluded that even a modern mine that is constructed and operated in accordance with its permit will have a negative effect on the salmon fishery and associated wildlife and tribal culture. A failure of part of the mining infrastructure, such as a tailings dam, has a lower probability of occurrence but higher consequences.
- The assessment has been peer reviewed by 12 independently selected scientists. We have received the final report from the peer reviewers but have not made it available to the public yet. The response to comments summary is expected to be released shortly.
- About 237,000 public comments were received on the first draft, and 890,00 on the second draft. The vast majority of the input received does not support large-scale mining in Bristol Bay. Public interest remains very high.
- The assessment is not a decision document. It will be used to inform any potential future actions by the Agency.

Status:

- The EPA Bristol Bay watershed assessment is available online at www.epa.gov/bristolbay.
- Once the response to comments has been published and made available to the public, the watershed assessment process will be complete. EPA has been pressed, and will likely continue to be pressed, to initiate 404(c) proceedings on the area. EPA looks forward to the continuing exchange of information and discussions with the Corps.

CWA 404 Assumption and Wetland Program Development Grant

CWA 404 Assumption: The Alaska legislature authorized the state Departments of Environmental Conservation and Natural Resources to investigate the possibility of assuming the 404 program and provided funding for several positions to work on that investigation.

Background: Under the CWA, a state or tribe seeking to administer a Section 404 program must submit a request for assumption to the EPA and demonstrate that their program meets the requirements of CWA Section 404(h) and its implementing regulations. This includes a requirement that the state or tribe's program: (1) has the authority to issue permits consistent with and no less stringent than the Act and implementing regulations, including the Section 404(b)(1) Guidelines: (2) has an equivalent scope of jurisdiction for those waters they may assume; (3) regulates at least the same activities as the federal program; (4) provides for public participation; and, (5) has adequate enforcement authority.

Once the EPA approves a Section 404 program, the state or tribe assumes all responsibility for the Section 404 permitting program under its jurisdiction, determines what areas and activities are regulated, processes individual permits or general permits for specific proposed activities, and carries out compliance and enforcement activities. By statute and regulation, the EPA has a general oversight responsibility of the state or tribal program including, for example, reviewing draft permits for which review has not been waived. The EPA reviews approximately one to two percent of the Section 404 permits issued by Michigan and New Jersey.

The EPA provides support to states and tribes that want to assume the Section 404 program by engaging a state or tribe when it expresses an interest in assumption, remaining engaged during development of the assumption package, and reviewing program applications consistent with the CWA and implementing regulations. Moreover, the EPA continues to play a critical oversight role if and when a state/tribal program has been approved.

Status: The state is nearing completion of its hiring and has begun investigating issues such as which waters are assumable and what the workload would be. They are also engaging in extensive outreach, so far primarily to industry groups, but now also at the AFE.

Wetland Program Plan (WPP) development by ADEC under our Wetland Program Development Grant. ADEC was awarded a wetland program development grant by EPA, to write a wetland program plan over two years, as a part of the State of Alaska's efforts to assume Clean Water Act Section 404 permitting. ADEC's goal is to develop a comprehensive WPP.

Status: The state completed a WPP outline and a WPP presentation was in December2013. They plan to hold a state wetlands work group meeting in January 2014 followed by a State wetlands program development workshop in April 2014 Their goal is to develop a Draft WPP by June 2014 and submit to EPA by Sept 2014

Clean Water Act Jurisdiction

1. **WOTUS Proposed Rule:** Corps and EPA HQ are poised to publish a proposed rule to update and clarify the definition of waters of the U.S. (WOTUS) that are subject to Clean Water Act regulation. The target for publication is reportedly mid-February. HQ has not yet shared the proposed rule with the regions (due to describe it to us on 29 January), but a leaked version is based heavily on an extensive synthesis of the scientific rationale for jurisdiction over various types of waters. Among other things, the proposed rule would clarify that all tributaries and all adjacent waters are jurisdictional, clarify the definition of adjacency, and clarify which waters are *not* jurisdictional. Together with the science synthesis, the proposed rule formally adjusts the WOTUS definition in light of *SWANCC* and *Rapanos*, U.S. Supreme Court rulings that limited jurisdiction to waters that have a significant nexus to traditionally navigable waters. Existing exemptions related to agriculture and ditches remain the same.

2. **Reversal of Fairbanks Jurisdictional Determinations:** Following remand on administrative appeals, the Corps Alaska District has reversed two originally positive jurisdictional determinations (JDs) in the Fairbanks area, based on uncertainty about the effect of a 2010 Alaska District Court case known as *Great Northwest*. The JDs involve a very large wetland crossed by a road; *Great Northwest* brought into question the effect of such linear fills on jurisdiction. The Region brought the case to the attention of EPA and Corps headquarters, who are currently engaged in discussions. The agencies agree that linear fills should not sever jurisdiction; at issue is how best to reconcile that position with *Great Northwest*.

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